

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

SMADAR Y. CHAFETZ

07 CIV. 6895

COMPLAINT

Plaintiff,

-against-

WOLPOFF & ABRAMSON, L.L.P.

ROBINSON

Defendant.

U.S. DISTRICT COURT  
FILED  
2007 JUL 31 P 3:03  
S.D. OF N.Y. W.P.

**COMPLAINT FOR VIOLATIONS  
OF THE FAIR DEBT COLLECTION PRACTICES ACT**

Plaintiff Smadar Y. Chafetz (“Chafetz”), by and through her attorney, Abraham Kleinman, files this complaint against defendant Wolpoff & Abramson, L.L.P. for its violations of the Fair Debt Collection Practices Act.

**Introduction**

1. This action seeks redress for the illegal practices of Defendant, Wolpoff & Abramson, LLP, concerning the collection of debt, in violation of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692, *et seq.* (“FDCPA”).

**Jurisdiction and Venue**

2. This Court has Federal question jurisdiction under 15 U.S.C. § 1692k(d) and 28 U.S.C. § 1331.

3. Venue is proper in this District because the acts and transactions that give rise to this occurred, in substantial part, in this District. Additionally, Chafetz resides in this District and the Defendant transacts business here.

4. Smadar Y. Chafetz is a citizen of the State of New York who resides in this District.

5. Smadar Y. Chafetz is a “Consumer” as that term is defined by § 1692(a)(3) of the

FDCPA in that the alleged debt that the Defendant, Wolpoff & Abramson, LLP, sought to collect from her is a consumer debt, purportedly originally owed to Citibank.

6. Upon information and belief, Defendant Wolopoff & Abramson LLP, is an active District of Columbia Limited Liability Partnership, which does business in the State of New York.
7. Defendant, Wolpoff & Abramson, LLP is regularly engaged in the collection of debts allegedly owed by consumers.
8. Defendant, Wolpoff, LLP is a "Debt Collector" as that term is defined by § 1692(a)(6) of the FDCPA and maintains a New York City Department of Consumer Affairs Debt Collection Agency license.
9. On or about January 13, 2006 plaintiff received a collection from Wolpoff & Abramson, LLP which attempted to collect a debt on behalf of Centurion Capital Corp. Exhibit A.
10. On January 24, 2006, plaintiff disputed the validity of the debt, requested that the debt collector provide the consumer with the full legal name of the original creditor and the address of the original creditor. Exhibit B.
11. On February 3, 2006, defendant, wrote a letter to Ms. Chafetz which acknowledged plaintiff's dispute letter. Exhibit C.
12. The Wolpoff & Abramson letter stated that statements were mailed to Ms. Chafetz at her home address and failed to provide the address of the original creditor.
13. On July 6, 2007, sent a letter signed by Fatimat O. Balogun, Esq. Said letter was entitled "NOTICE OF INTENT TO SUE." Exhibit D.
14. Said July 6, 2007 letter now listed the creditor as Palisades Acquisition XVI, LLC Assignee of Citibank and stated that "we have made the decision to initiate litigation against you."

**AS AND FOR A FIRST CAUSE OF ACTION**

**VIOLATIONS OF THE FAIR DEBT COLLECTION PRACTICES ACT**

15. Chafetz realleges and incorporates herein by reference, all the foregoing paragraphs as if set forth fully herein.
16. Upon information and belief, the January 13, 2006 collection letter is a form letter sent by Wolpoff & Abramson LLP to the Plaintiff.
17. Collection letters, such as those sent by Defendant, Wolpoff & Abramson, LLP are to be evaluated by the objective standard of the hypothetical "least sophisticated consumer."
18. Section 1692g(b) requires the debt collector, upon receipt of a timely dispute, to cease further communication with the consumer upon the debt collector's receipt of the consumer's request for verification until the debt collector obtains verification of the debt, the name and address of the original creditor and a copy of such verification is mailed to the consumer by the debt collector.
19. Defendant's July 6, 2007 letter which attempts to collect a timely disputed yet unverified debt, broadcasting a new creditor, violated 15 U.S.C. sections 1692, 1692e, 1692e(10), 1692g(a)(2) and 1692g(b) of the FDCPA by failing to provide verification of the disputed debt and by continuing collection of a disputed debt.

**WHEREFORE**, the plaintiff requests that this Court grant the following relief in their favor, against Wolopff & Abramson, LLP as follows:

- a) The maximum statutory damages provided by section 1692k of the FDCPA against each defendant;
- b) Attorney's fees, litigation expenses and costs;

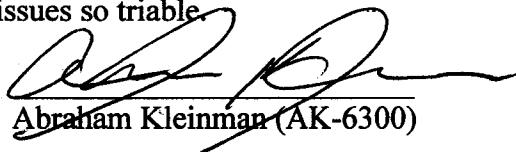
c) Any other relief that this Court deems just and proper.

Dated: Uniondale, New York  
July 20, 2007



Abraham Kleinman (AK-6300)  
Attorney at Law  
RexCorp Plaza  
Uniondale, New York 11556-0626  
Telephone (516) 522-2621  
Facsimile (888) 522-1692

Plaintiff requests trial by jury on all issues so triable.

  
Abraham Kleinman (AK-6300)

**EXHIBIT A**

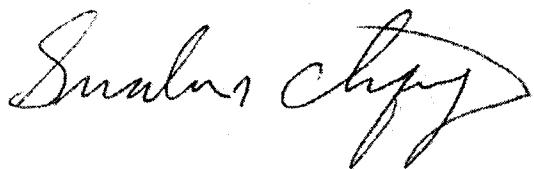
**EXHIBIT B**

Smadar Chafetz  
116P Edison Ct  
Monsey, NY 10952  
Tuesday, January 24, 2006

Wolpoff & Abramson L.L.P.  
300 Canal View Blvd  
3<sup>rd</sup> Floor  
Rochester, NY 14623-2811

RE: W&A File No. 142176379

I hereby dispute the validity of this debt. Please obtain verification of the debt and mail me verification. Please provide me with the full legal name of the original creditor. Please provide me with the address of the original creditor.

A handwritten signature in black ink, appearing to read "Smadar Chafetz".

Smadar Chafetz

**EXHIBIT C**

**MAIN OFFICE**  
**TWO IRVINGTON CENTRE**  
**702 KING FARM BLVD., ROCKVILLE, MD 20850**

**REGIONAL OFFICES**  
 10805 JUDICIAL DR., BLDG. A-5, FAIRFAX, VA 22030  
 1108 E. MAIN ST., STE. 1003, RICHMOND, VA 23216  
 5122 GREENWICH RD., VIRGINIA BEACH, VA 23462  
 919 N. MARKET ST., STE. 1300, WILMINGTON, DE 19899  
 1 VALLEY BANK BLDG., BOX 1226, CLARKSBURG, WV 26302  
 4660 TRINITY ROAD, 3RD FLOOR, CAMP HILL, PA 17011  
 28832 ROADSIDE DR., STE. 265, AGOURA HILLS, CA 91301  
 39500 HIGH POINTE BLVD., STE. 250, NOVI, MI 48375  
 300 CANAL VIEW BLVD., ROCHESTER, NY 14623  
 5215 N. O'CONNOR BLVD., STE. 1060, LAS COLINAS, TX 75039  
 180 GLASTONBURY BLVD., GLASTONBURY, CT 06033  
 210 INTERSTATE NORTH PKWY., STE. 700, ATLANTA, GA 30339  
 301 CARLSON PKWY., STE. 303, MINNETONKA, MN 55305

**LAW OFFICES**  
**WOLPOFF & ABRAMSON, L.L.P.**

300 CANAL VIEW BLVD.  
 3<sup>RD</sup> FLOOR  
 ROCHESTER, NY 14623-2811

585-413-4020

OUTSIDE ROCHESTER METROPOLITAN AREA  
 (TOLL FREE)  
1-866-241-1458

FACSIMILE 585-424-1067

PLEASE DIRECT ALL INQUIRIES TO THE ROCHESTER OFFICE

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**ABRAMSON, L.L.P.)**

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W&A Hours of Operation:  
 8 a.m.-5:30 p.m. ET M-F

February 3, 2006

Smadar Y. Chafetz  
 116 Edison Court  
 Monsey, NY 10952

Re: *Centurion Capital vs. Smadar Chafetz*  
 W&A File # 142176379

Dear Ms. Wright:

We are in receipt of your correspondence dated January 24, 2006 in connection with the above-referenced matter.

Our records indicate that the account in question was opened with Citibank on March 1, 2001. The credit card account number assigned was 5424180438771120. The account was established under the name of Smadar Chafetz. Statements were mailed to your home address. The last payment received by Citibank on the account was on May 30, 2002.

We encourage you to contact our office upon receipt of this correspondence to discuss settlement of this matter prior to March 2, 2003.

Very Truly Yours,

Wolpoff & Abramson, L.L.P.

**THIS IS AN ATTEMPT TO COLLECT A DEBT  
 AND ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.**

**EXHIBIT D**

**MAIN OFFICE**  
**TWO IRWINGTON CENTRE**  
**702 KING FARM BLVD., ROCKVILLE, MD 20850**

**REGIONAL OFFICES**

10605 JUDICIAL DR., BLDG. A-5, FAIRFAX, VA 22030  
 1103 E. MAIN ST., STE. 1003, RICHMOND, VA 23216  
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 519 N. MARKET ST., STE. 1300, WILMINGTON, DE 19899  
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 4660 TRINITY ROAD, STE. 300, CAMP HILL, PA 17011  
 301 GRANT ST., STE. 4300, PITTSBURGH, PA 15219  
 28632 ROADSIDE DRIVE, STE. 265, AGOURA HILLS, CA 91301  
 39500 HIGH POINTE BLVD., STE. 260, NOVI, MI 48375  
 300 CANAL VIEW BLVD., ROCHESTER, NY 14623  
 5215 NORTH O'CONNOR BLVD., IRVING, TX 75039  
 3200 SOUTHWEST FREEWAY, STE. 3300, HOUSTON, TX 77027  
 111 SCLEDAD ST., STE. 300, SAN ANTONIO, TX 78205  
 1201 PEACHTREE ST., STE. 1717, ATLANTA, GA 30361  
 301 CARLSON PKWY., STE. 303, MINNETONKA, MN 55305  
 4643 S. ULSTER ST., STE. 920, DENVER, CO 80237  
 5355 TOWN CENTER ROAD, STE. 1002, BOCA RATON, FL 33486

New York City Department of Consumer Affairs  
 License Number 1249874 & 1250739

**LAW OFFICES****WOLPOFF & ABRAMSON, L.L.P.**

*Attorneys in the Practice of Debt Collection*

(A National Collection Attorney Network Firm)

300 CANAL VIEW BLVD.

3RD FLOOR

ROCHESTER, NY 14623-2811

(TOLL FREE)

1-800-830-2793

FACSIMILE (866) 383-9121

PLEASE DIRECT CORRESPONDENCE TO ROCHESTER OFFICE

JULY 06, 2007

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\* The National Collection  
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W&A Hours of Operation:  
8 a.m. - 6 p.m. ET M-F

Fatimat O. Balogun, Esq.  
ADMITTED: (NY)

W&A File No. 142176379

142176379  
SMADAR Y CHAFETZ

116 EDISON CT., #P  
MONSEY NY 10952

Re: PALISADES ACQUISITION XVI, LLC ASSIGNEE OF CITIBANK  
SMADAR Y CHAFETZ

Balance: \$ 15314.58

**NOTICE OF INTENT TO SUE**

As you are aware, this law firm represents the above client regarding your outstanding obligation. This letter shall inform you that as a result of your failure to resolve this matter, we have made the decision to initiate litigation against you.

In the event you wish to avoid the time and expense of litigation, we invite you to contact our office at 1-800-830-2793. We sincerely hope you take advantage of this opportunity to avoid the consequences of court proceedings.

Very truly yours,

WOLPOFF & ABRAMSON, L.L.P.

*Fatimat O. Balogun*

The above attorney personally requested that this letter be sent after he/she reviewed relevant portions of our file for the purpose of making a determination to file suit.

This is an attempt by a debt collector to collect a debt and any information obtained will be used for that purpose.